D.B. CIVIL SPECIAL APPEAL(W)NO.411/2007

Choudhary Charan Singh National Institute of Agriculture Marketing & Anr.
Vs.
Chetan Singh Chouhan

DATE OF ORDER :: 04-05-2007

HON'BLE THE CHIEF JUSTICE SHRI S.N.JHA
HON'BLE SHRI JUSTICE MOHAMMAD RAFIQ

Shri R.N. Mathur, for the appellants.
Shri Prahlad Singh, for the respondent.

Heard counsel for the appellant and respondent-writ petitioner who was appeared under caveat.

After hearing counsel for the parties, the appeal is admitted and taken up for final disposal.

The appeal is directed against an interim order of the learned Single Judge by which the appellants have been restrained from dispensing with the services of the respondent on the post till further orders.

Counsel for the appellants brought to our notice the order of the Division Bench of this Court in D.B. Civil Special Appeal(w)no.499/2007 (Chouhdary Charan Singh National Institute of Agriculture Marketing & Anr. Vs. Devendra Kumar Chawla) in which similar interim order was set aside by the Division Bench observing as under:

> “We do not find any legal right in the respondent to hold the post after the expiry of contractual tenure. In any case if the respondent ultimately succeeds in the writ petition, he can always be restored the position with all benefits consequent upon such order. Surely, the case is not fit for interim relief.”

The dispute being identical, we find no reason to pass a different order. We accordingly set aside the impugned order of the learned Single Judge dated 14.3.2007 restraining the appellants from dispensing with the services of the respondent, and thus allow this appeal.

Parties are at liberty to mention the case for early hearing of the writ petition as observed in the order dated 12.4.2007(supra).

[MOHAMMAD RAFIQ],J. **[S.N.JHA],CJ.**

Praveen